



UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Joachim BUENGER et al.

Serial No.: 10/620,812

Group Art Unit: 1616

Filed: July 17, 2003

Examiner: Marina Lamm

For: ECTOIN OR ECTION DERIVATIVES AND SURFACTANTS

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §§ 1.56, 1.97 and 1.98

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This information disclosure statement is made in accordance with 37 C.F.R. §§ 1.56, 1.97 and 1.98 as follows:

Timing and Fees

- ☐ Under 37 C.F.R. § 1.97(b), no fee or statement is required for filing this information disclosure statement is filed:
- ☐ within three months of the filing date of a national application other than a CPA under § 1.53(d);
 - ☐ within three months of the actual filing date of the national phase of a PCT application; OR
 - ☐ before the mailing of a first substantive office action (including after filing of an RCE).
- ☒ Under 37 C.F.R. § 1.97(c), this information disclosure statement is filed after the periods specified in 37 C.F.R. § 1.97(b), but before the mailing date of:
- a final rejection under 37 C.F.R. 1.113;
 - termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2); OR
 - a notice of allowance under 37 C.F.R. § 1.311; and

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02 FC:1806

180.00 OP

is accompanied by:

- ☐ the statement as specified in 37 C.F.R. § 1.97(e) set out below; OR
- ☒ a check covering the fee of \$180.00 under 37 C.F.R. § 1.17(p).

☐ Under 37 C.F.R. § 1.97(d), this information disclosure statement is filed after the mailing date of the following actions which have not been withdrawn:

- ☐ a final action under 37 C.F.R. § 1.113;
- ☐ termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2);
- ☐ OR a notice of allowance under 37 C.F.R. § 1.311;

AND is filed on or before payment of the issue fee; AND is accompanied by:

the statement as specified in 37 C.F.R. § 1.97(e) as set forth below, and the fee of \$180.00 under 37 C.F.R. § 1.17(p).

Statements Under 37 C.F.R. 1.97(e)

- ☐ Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application having a mailing date not more than three months prior to the filing date of this information disclosure statement; or
- ☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the undersigned attorney after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing date of the information disclosure statement.

Cited Materials

- ☐ Copies of materials listed but not attached were cited in benefit (35 U.S.C. § 120) ancestor application Serial No. _____, on Form 892 by the Examiner and/or Form 1449 by the applicant; see 37 C.F.R. § 1.98(d).
- ☐ Copies of materials listed but not attached were cited in an international search report dated _____.
- ☐ Not required by 37 CFR § 1.98.
- ☒ Copies of the materials listed are attached (except for the foregoing).

Non-English Language References

☐ An English-language search report or equivalent paper from a foreign patent office is provided indicating the relevance of the cited reference(s).

☐ A foreign-language search report from a foreign patent office is provided, and pertinent parts are translated substantively below:

X = document of particular relevance when it is taken alone

Y = document of particular relevance when it is combined with another such document

A = document defining the general state of the art

O = non-written disclosure

P = intercalated document

T = document cited to understand the theory or principle underlying the invention

E = patent document which has the benefit of a date earlier than the filing date and which was published only on or after this filing date

D = cited in the application

L = cited for another reason

& = publication of member of same patent family

☐ Translation of other relevant information on foreign search report

[insert necessary translation here]

Other Information

Payment of Fees Due (If Any):

☒ A check for \$180.00 covering the fee identified above is attached.

☐ Please charge to Deposit Account No. 13-3402 \$_____ for the fee identified above.

☒ The Commissioner is hereby authorized to charge or credit any overpayment to Deposit Account #13-3402, two copies of this paper are attached for this purpose.

Respectfully submitted,



Csaba Henter, Reg. No. 50,908
Attorney for Applicants

MILLEN, WHITE, ZELANO
& BRANIGAN, P.C.
Arlington Courthouse Plaza 1
2200 Clarendon Blvd. Suite 1400
Arlington, Virginia 22201
Telephone: (703) 243-6333
Facsimile: (703) 243-6410

Attorney Docket No.: MERCK-2206-P01

Date: September 6, 2006

CH:pdr



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PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
Substitute for form 1449A/PTO		Application Number		10/620,812	
		Filing Date		July 17, 2003	
		First Named Inventor		Joachim BUENGER et al.	
		Group Art Unit		1616	
		Examiner Name		Marina Lamm	
		Attorney Docket Number		MERCK-2206-P01	
Sheet	1	of	3		

U.S. PATENT DOCUMENTS					
Examiner Initials *	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Kind Code ² (if known)		
	1	6,403,112		Motitschke et al.	06-11-2002
	2	6,060,071		Motitschke et al.	05-09-2000
	3	6,267,973		Motitschke et al.	07-31-2001
	4	6,602,514		Bünger et al.	08-05-2003
	5	7,048,910		Buenger et al.	05-23-2006
	6	6,841,702		Magdolen et al.	01-11-2005
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	8	2004/0043940		Bünger et al.	03-04-2004
	9	2003/0199446		Bunger et al.	10-23-2003
	10	6,057,282		Desai et al.	05-02-2000
	11	5,780,042		Gers-Barlag et al.	07-14-1998
	12	2003/0114358		Galinski et al.	06-19-2003
	13	4,177,260		Wajaroff	12-04-1979
	14	09/744,767		Buenger et al.	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
	15	JP	2104577		Koei Chem Co. Ltd.	4-17-1990		cite 1
	16	JP	3086867		Takeda Chem Ind. Ltd.	4-11-1991		cite 1
	17	JP	3031265		Takeda Chem Ind. Ltd.	2-12-1991		cite 1
	18	JP	9143167		Dainippon Pharmaceut Co. Ltd.	06-03-1997		cite 5

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached. Number refers to English language corresponding family member.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 2 of 3

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		Office ³	Number ⁴	Kind Code ⁵ (if known)				
	19	DE	2 132 079		Hagen et al.	01-11-1973		cite 1
	20	GB	2114886		Unilever PLC	09-01-1983		
	21	GB	1513659		Wella Aktiengesellschaft	06-07-1978		
	22	WO	94/15923		Galinski et al.	07-21-1994		
	23	EP	0 553 884		Lapidot et al.	08-04-1993		
	24	EP	0 888 542		Moghaddam et al.	01-07-1999		
	25	DE	2 154 948		Chemische Werke Huels AG	05-10-1973		cite 3
	26	WO	96/17590		Dixon et al.	06-13-1996		
	27	WO	98/13020		Granger et al.	04-02-1998		
	28	EP	0 275 719		Arthur C.W. Georgalas	07-27-1988		
	29	DE	4 244 580		Galinski et al.	07-07-1994		cite 5
	30	DE	2 746 650		Henkel KGaA	04-26-1979		
	31	DE	2 614 723		Wella AG	10-20-1977		cite 13
	32	EP	0 647 469		Desai et al.	04-12-1995		cite 10
	33	DE	199 33 466		Beiersdorf AG	01-13-2000		
	34	DE	199 33 463		Beiersdorf AG	01-13-2000		
	35	DE	199 33 464		Beiersdorf AG	01-13-2000		
	36	DE	199 33 461		Beiersdorf AG	01-13-2000		
	37	DE	199 33 460		Beiersdorf AG	01-13-2000		
	38	WO	94/04128		Beiersdorf AG	03-03-1994		cite 11

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Sheet	3	of	3
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